



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG/JDG/CMP
F.#2008R00530

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 5, 2012

By ECF and Electronic Mail

Adam D. Perlmutter, Esq.
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Samuel M. Braverman, Esq.
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Re: United States v. Thomas Gioeli, et al.
Criminal Docket No. 08-240 (BMC)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby provides notice that it intends to call the experts whose anticipated testimony at trial is described below. The government reserves the right to call substitute expert witnesses as well as to call additional expert witnesses, and will provide advance notice of any intent to do so. The government also renews its request for reciprocal discovery from the defendants, including notice of any anticipated defense experts.

I. Medical Examiner Testimony

The government intends to call the following medical examiners to testify during trial.

A. Dr. Frede Fredric

The government will seek to qualify Dr. Frede Fredric, M.D. as an expert in forensic pathology. Enclosed is a copy of Dr. Fredric's curriculum vitae. Dr. Fredric has been a medical examiner at the Office of the Chief Medical Examiner, City of New York ("New York City OCME") since 1988. Dr. Fredric is licensed

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to practice medicine in the states of New York, New Jersey and Pennsylvania. Dr. Fredric has worked in the field of forensic pathology for approximately twenty-five years and has testified as an expert in New York State Courts as well as in the Eastern District of New York.

Dr. Fredric will testify about the autopsy she performed on Francesco Marasa on June 12, 1991. Dr. Fredric is expected to testify about the Marasa autopsy consistent with the report previously produced in discovery. The Marasa autopsy report and affiliated documents were previously produced to you as discovery exhibit numbers 354-357 and 1304. In addition, Dr. Fredric will testify about her review of the records of the autopsies performed by the New York City OCME on Awjad Ennab and Joseph Miccio on May 31, 1991 and March 19, 1994, respectively, and her opinion about the causes of death for both Ennab and Miccio. The Ennab autopsy report and affiliated documents were previously produced to you as discovery exhibit numbers 350 and 1304, and the Miccio autopsy report and affiliated documents were previously produced to you as discovery exhibit number 1306.

B. Dr. Lone Thanning

The government will also seek to qualify Dr. Lone Thanning, M.D. as an expert in forensic pathology. Dr. Thanning's curriculum vitae, which has previously been provided among the government's disclosures pursuant to 18 U.S.C. § 3500, is enclosed. Currently in private practice, Dr. Thanning has held a number of positions in her field, including Chief Medical Examiner of Rockland County, New York. Dr. Thanning is licensed to practice medicine in the state of New York and is board certified in anatomic and forensic Pathology.

Dr. Thanning will testify about the March 26, 1992 autopsy she performed on Michael Imbergamo while a Deputy Medical Examiner at the Office of the Medical Examiner of Nassau County, New York, and also about the autopsy performed on John Minerva in which she participated on the same date. Dr. Thanning is expected to testify about the Imbergamo and Minerva autopsies consistent with the reports previously produced in discovery. The Imbergamo autopsy report and affiliated documents were previously produced to you as discovery exhibit numbers 363 to 367 and 1298, and the Minerva autopsy report and affiliated documents were previously produced to you as discovery exhibit numbers 358 to 362 and 1295.

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C. Dr. Jonathan Arden

The government will also seek to qualify Dr. Jonathan Arden, M.D. as an expert in forensic pathology. Dr. Arden's curriculum vitae, which has previously been provided among the government's disclosures pursuant to 18 U.S.C. § 3500, is enclosed. Currently in private practice, Dr. Arden is also a part-time forensic pathologist for the Office of the Chief Medical Examiner of West Virginia. Among other positions, Dr. Arden has served as the Chief Medical Examiner of Washington, D.C., and also held a number of positions at the New York City OCME. Dr. Arden is licensed to practice medicine in the states of New York, West Virginia, Maryland, Virginia, Delaware and the District of Columbia, and is board certified in anatomic and forensic pathology.

Dr. Arden will testify about the autopsy he performed on Ralph Dols on August 26, 1997, while the First Deputy Chief Medical Examiner in New York City. Dr. Arden is expected to testify about the Dols autopsy consistent with the report previously produced in discovery. The Dols autopsy report and affiliated documents were previously produced to you as discovery exhibit numbers 354-357 and 1304.

D. Dr. Stuart Dawson

The government will also seek to qualify Dr. Stuart Dawson, M.D. as an expert in forensic pathology. Dr. Dawson's curriculum vitae, which has previously been provided among the government's disclosures pursuant to 18 U.S.C. § 3500, is enclosed. Currently in private practice, Dr. Dawson served as the Deputy Chief Medical Examiner at the Suffolk County Medical Examiner Office until he retired in 2009. Dr. Dawson is licensed to practice medicine in the state of New York and is board certified in anatomic, clinical and forensic pathology.

Dr. Dawson will testify about the autopsy he performed on William Cutolo on October 7, 2008. Dr. Dawson is expected to testify about the Cutolo autopsy consistent with the report previously produced in discovery. The Cutolo autopsy report and affiliated documents were previously produced to you as discovery exhibit numbers 490 to 494 and 1307.

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E. Dr. Phyllis Ho

The government will also seek to qualify Dr. Phyllis Ho, D.D.S., as an expert in forensic odontology. Dr. Ho's curriculum vitae, which has previously been provided among the government's disclosures pursuant to 18 U.S.C. § 3500, is enclosed. Dr. Ho has worked in the field of forensic odontology since 2000, has participated in approximately 30 forensic odontological identifications, and has consulted in approximately 40 additional forensic cases. Dr. Ho has been a forensic odontology consultant at the Suffolk County Medical Examiner Office since 2007.

Dr. Ho will testify about the odontological examination she performed in connection with the autopsy of William Cutolo. Dr. Ho's report is contained within the records of the Cutolo autopsy, which were previously produced to you as discovery exhibit numbers 490 to 494 and 1307.

II. New York City OCME Department of Forensic Biology

The government intends to call the following witnesses from the New York City OCME Department of Forensic Biology to testify during trial.

A. Jessica Harris

The government will seek to qualify Jessica Harris, a Criminalist II at the New York City OCME Department of Forensic Biology, as an expert in DNA analysis and interpretation. Harris's curriculum vitae is enclosed. Ms. Harris will soon complete a Master of Science in Forensic Science program at Pace University in New York and has been working at the New York City OCME Department of Forensic Biology since 2004, and as a criminalist involved in DNA analysis since 2006. Ms. Harris will testify about the mitochondrial DNA analysis she performed on hairs recovered from 1247 McDonald Avenue, Brooklyn, New York consistent with her report dated July 13, 2009, which was previously provided as discovery exhibit number 1029. Related reports and affiliated documents were previously provided in discovery as discovery exhibit numbers 1030-1033. Ms. Harris will also testify about the nuclear DNA analysis she performed on hairs recovered from a Chevrolet Caprice automobile recovered in connection with the murder of Ralph Dols, consistent with her

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report dated July 15, 2009, which was previously provided as discovery exhibit number 974.

B. Neha Dalal

The government will also seek to qualify Neha Dalal, a Criminalist II at the New York City OCME, Department of Forensic Biology, as an expert in DNA analysis and interpretation. Ms. Dalal's curriculum vitae is enclosed. Ms. Dalal will soon complete a Master of Science in Forensic Science program at Pace University in New York and has been working at the New York City OCME Department of Forensic Biology as a criminalist involved in DNA analysis since 2007. Ms. Dalal will testify about the mitochondrial DNA analysis she performed on hairs recovered from a Chevrolet Caprice automobile recovered in connection with the murder of Ralph Dols, consistent with her report dated February 27, 2012, which was previously provided as discovery exhibit number 1420.

III. Ballistics Examiner Testimony

The government intends to call Charles Hopkins of the Suffolk County Crime Lab as an expert in the identification and comparison of various types of firearms and ballistics evidence, including microscopic comparison of ballistics evidence. A copy of his curriculum vitae, which has previously been provided to you pursuant to 18 U.S.C. § 3500, is enclosed. Mr. Hopkins has been a Senior Firearms Examiner at the Suffolk County Crime Lab since 1995, and has held the title of Forensic Scientist III since 2008. Prior to his present employment, Mr. Hopkins was a Detective in the New York City Police Department, assigned to the Ballistics Unit. Mr. Hopkins has been working in the field of firearms and ballistics since 1982, and has been qualified as an expert in, among other jurisdictions, New York State Courts and the Southern and Eastern Districts of New York. Mr. Hopkins will testify about his analysis of the bullet removed from the skull of William Cutolo on October 7, 2008. Mr. Hopkins is expected to testify about the analysis on the bullet consistent with the report previously produced to you as discovery exhibit number 1024.

The government also intends to call Detectives John Muzek and Wilfredo Torres with the New York City Police Department and retired Detective George Fertal with the Nassau County Police Department as experts in the identification and

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comparison of various types of firearms and ballistics evidence, including microscopic comparison of ballistics evidence.¹ Their statements of qualification are enclosed. Det. Muzek will testify about his analysis of the bullets removed from Frank Marasa on or about June 12, 1991 and bullets and shell casings recovered from the crime scene where Marasa was fatally shot on June 11, 1991. Det. Muzek is expected to testify about the analysis on the bullets and shell casings consistent with the report previously produced to you as discovery exhibit number 1262.² Det. Torres will testify about his analysis of the bullets removed from Ralph Dols on or about August 26, 1997 and bullets and shell casings recovered from the crime scene where Dols was fatally shot on August 25, 1997, consistent with the report previously produced to you as discovery exhibit numbers 1263 and 1430.

Det. Fertal is expected to testify about his analysis of the firearms recovered from the vehicle where John Minerva and Michael Imbergamo were fatally shot on March 25, 1992, the bullets and shell casings recovered from the crime scene where Minerva and Imbergamo were shot, and the bullets removed from Minerva on March 26, 1992. Det. Fertal is expected to testify about the analysis on the firearms, bullets and shell casings consistent with the report previously produced to you as discovery exhibit number 369.

¹ Detectives Muzek and Torres have been detectives with the Firearms Analysis Section of the New York City Police Department for approximately eight years and have testified as experts over a 100 times, in courts in all five boroughs of New York City and in U.S. District Court for the Eastern District of New York. Enclosed please find a "Statement of Qualifications" for each Detective Muzek and Torres and a resume for Detective Fertal.

² Detective Muzek has advised that he prepared a revised report (which contains the same conclusions as those set forth in discovery exhibit number 1262), which the government will disclose as soon as it obtains it.

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If you have questions or requests regarding the contents of this letter, please contact us.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
Elizabeth A. Geddes
James D. Gatta
Cristina M. Posa
Assistant U.S. Attorneys

Enclosures

cc: Defense Counsel (by ECF) (w/o enclosures)
Clerk of the Court (BMC) (by ECF) (w/o enclosures)